

**ASSEMBLY BILL**

**No. 239**

---

**Introduced by Assembly Member DeSaulnier**  
(Principal coauthor: Senator Torlakson)

January 31, 2007

---

An act to add Section 27361.10 to the Government Code, relating to recording fees.

LEGISLATIVE COUNSEL'S DIGEST

AB 239, as introduced, DeSaulnier. Recording fees: Contra Costa County.

Existing law establishes the fees to be charged by the county recorder for recording and indexing every instrument, paper, or notice required or permitted by law to be recorded. Existing law, including provisions of the California Constitution, subject local governmental agencies to various requirements when imposing, increasing, or extending general or special taxes, fees, and other local exactions.

This bill would authorize the Contra Costa County Board of Supervisors to additionally charge \$1 for each page after the first page that is recorded for every real estate instrument, as defined, paper, or notice required or permitted by law to be recorded in Contra Costa County. The bill would require the Contra Costa County Board of Supervisors, if it charges this fee, to establish a fund for deposit of the moneys raised by the increase, which shall be used to assist in the development of affordable housing for very low income households, lower income households, and moderate-income households.

This bill would make legislative findings and declarations as to the necessity of a special statute.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 27361.10 is added to the Government  
2     Code, to read:  
3     27361.10. (a) In addition to any other recording fees specified  
4     in this code, the Contra Costa County Board of Supervisors may  
5     increase the fee for recording every real estate instrument, paper,  
6     or notice required or permitted by law to be recorded in Contra  
7     Costa County, except those expressly exempted from payment of  
8     recording fees. The additional fee, if authorized by the Contra  
9     Costa County Board of Supervisors, shall not exceed one dollar  
10    (\$1) per page for each page following the first page of the recorded  
11    document.  
12    (b) (1) All moneys raised pursuant to subdivision (a) shall be  
13    deposited in an account established by the Contra Costa County  
14    Board of Supervisors, if it authorizes the additional fee, to be used  
15    to assist in the development of affordable housing for very low  
16    income households, lower income households, and  
17    moderate-income households.  
18    (2) For purposes of this section, the following definitions apply:  
19    (A) “Very low income household” means a household whose  
20    income does not exceed the very low income limits applicable to  
21    Contra Costa County adjusted for household size, as published  
22    and periodically updated by the State Department of Housing and  
23    Community Development pursuant to Section 50105 of the Health  
24    and Safety Code.  
25    (B) “Lower income household” means a household whose  
26    income does not exceed the lower income limits applicable to  
27    Contra Costa County, adjusted for household size, as published  
28    and periodically updated by the State Department of Housing and  
29    Community Development pursuant to Section 50079.5 of the  
30    Health and Safety Code.  
31    (C) “Moderate-income household” means persons and families  
32    whose income does not exceed the moderate income limits  
33    applicable to Contra Costa County, adjusted for household size,  
34    as published and periodically updated by the State Department of

1 Housing and Community Development pursuant to Section 50093  
2 of the Health and Safety Code.

3 (c) All moneys raised pursuant to subdivision (a), after deduction  
4 of any actual and necessary administrative costs incurred by Contra  
5 Costa County, shall be used only to help finance the construction,  
6 rehabilitation, or purchase of housing for very low income  
7 households, lower income households, and moderate-income  
8 households and to fund any local matching contributions required  
9 pursuant to federal law.

10 (d) Housing constructed with funds made available pursuant to  
11 this section shall meet at least one of the following requirements:

12 (1) Be housing located within the urban limit line.

13 (2) Be multifamily with an average density of at least 14 units  
14 per acre.

15 (3) Be designed in a manner that complements existing  
16 neighborhoods, promotes social interaction, is pedestrian friendly,  
17 and allows for the potential for mixed use.

18 SEC. 2. The Legislature finds and declares that there are unique  
19 circumstances concerning the need for developing more affordable  
20 housing for very low income households, lower income households,  
21 and moderate-income households in Contra Costa County  
22 necessitating the enactment of the procedures contained in this  
23 act. It is therefore declared that a general law cannot be made  
24 applicable within the meaning of Section 16 of Article IV of the  
25 Constitution, and that the enactment of this act as a special law is  
26 necessary.